

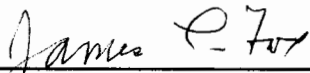
2255(b).

In this case, the court finds that a credibility issue exists and the Government has not conclusively shown that Gonzalez is not entitled to relief on his section 2255 motion. For these reasons, the court concludes that an evidentiary hearing is necessary. Accordingly, the Clerk is DIRECTED to schedule an evidentiary hearing in this case.

Pursuant to Rule 8(c) of the Rules Governing Section 2255 Proceedings, when an evidentiary hearing is warranted, the court must appoint an attorney to represent a moving party who qualifies to have appointed counsel under 18 U.S.C. § 3006A. Although Gonzalez had retained counsel when he was previously before this court, it is not clear whether Gonzalez presently qualifies for appointed counsel. Therefore, the Clerk is DIRECTED to mail Gonzalez a financial affidavit so that it can be determined if he qualifies for appointed counsel.

SO ORDERED.

This 9th day of October, 2014.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE